

ERNEST D. NEWMAN	§	
VS.	§	CIVIL ACTION NO. 9:18-CV-213
WARDEN L. BERGER, <i>et al.</i> ,	§	

Plaintiff, Ernest D. Newman, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Warden L. Berger, Assistant Warden V. Mitchell, and Major A. Ginsel.

## Discussion

Plaintiff's complaint pertains to individual defendants at the Powledge Unit in Palestine, Texas. Palestine, Texas is located in Anderson County which is in the Tyler Division of the Eastern District of Texas.

It is clear that all of the events or omissions giving rise to his claims occurred in the Eastern District of Texas, Tyler Division. Venue, therefore, is not proper in the Eastern District of Texas, Beaumont Division.

When venue is not proper, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. 1406(a). Plaintiff’s claims should be transferred to the Eastern District of Texas, Tyler Division. An appropriate order so providing will be entered by the undersigned.

SIGNED this 2nd day of January, 2019.



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Zack Hawthorn  
United States Magistrate Judge